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First Named Inventor	Kyoung Ro Yoon
Art Unit	2623
Examiner Name	Justin E. Shepard
Attorney Docket Number	24286/81351

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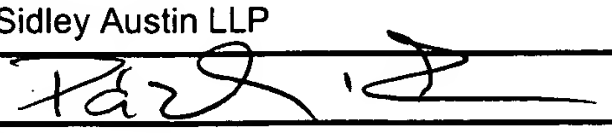
Signature			
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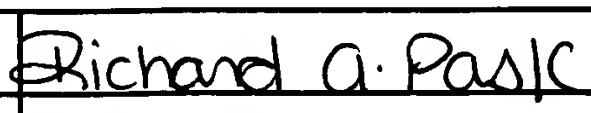
Signature			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Kyoung Ro Yoon et al.
Title:	Multimedia Service System Based on User History
Application No.:	09/903,650
Filing Date:	July 13, 2001
Examiner:	Justin E. Shepard
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APPEAL BRIEF

I. REAL PARTY IN INTEREST

The real party in interest is the Assignee, LG Electronics, Inc.

II. RELATED APPEALS AND INTERFERENCES

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals in the pending appeal.

III. STATUS OF CLAIMS

Claims 15-24 and 30-33 are rejected.

Claims 1-14 and 25-29 have been canceled.

IV. STATUS OF AMENDMENTS

According to the Advisory Action of June 22, 2006, the amendments made in the Response of June 7, 2006, to the Final Office Action of April 7, 2006, have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides techniques for processing user history data related to consumption of multimedia content. *See* the present application, *e.g.,* at page 1:6-10.

In general, in one aspect, a method for processing user history data includes recording a user action item that corresponds to consumption of multimedia content. *See id.*, *e.g.*, at

page 13:13 to page 14:6, and Consumption Type Data 102 or Consumption Behavior Data 103 in FIG. 1. The multimedia content has a content reference identifier. *See id., e.g.*, at page 23:11-23. A program identifier and a user action type are assigned to the user action item. *See, e.g.*, items 104-108 in FIG. 1. The program identifier includes the content reference identifier for identifying the corresponding multimedia content. *See id., e.g.*, at page 14:13-22 and page 23:11-23. The method also includes specifying whether information in the user action item is protected. *See id., e.g.*, at page 14:13-22 and Data Protection Flag 109 in FIG. 1.

In general, in another aspect, a method for processing user history data includes recording a user action item having a user action type that represents a type of action related to consumption of multimedia content. *See id., e.g.*, at page 13:13 to page 14:17, and Consumption Type Data 102 and items 104-107 in FIG. 1. The method also includes assigning protection information to the recorded user action item, where the protection information specifies whether information in the user action item is protected. *See id., e.g.*, at page 14:13-22 and Data Protection Flag 109 in FIG. 1.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Claim 15 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Pat. No. 5,778,182 to Cathey et al. ("Cathey") in view of the "CineMage" reference. *See* Final Office Action at pages 3 and 4.

(B) Claim 22 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Cathey in view of the "CineMage" reference. *See id.* at page 5.

VII. ARGUMENT

(A) Claim 15

Claim 15 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over

Cathey in view of the "CineMage" reference. *See* Final Office Action at pages 3 and 4. The Examiner maintained the rejection in the Advisory action of June 22, 2006.

Claim 15 recites a method for processing user history data. The method includes recording a user action item corresponding to consumption of multimedia content having a content reference identifier, and assigning a program identifier and a user action type to the user action item, wherein the program identifier includes the content reference identifier for identifying the corresponding multimedia content. The method also includes specifying whether information in the user action item is protected.

To establish *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art. *See, e.g.*, MPEP 2143.03. However, neither Cathey nor the CineMage reference discloses or suggests specifying whether information in the user action item is protected, as required by the claim.

Cathey discloses techniques for tracking usage of applications available to subscribers of an interactive network. *See* Cathey, *e.g.*, in the Abstract. For example, when a subscriber accesses a desired title, the system generates an event record that contains domain data representing that title. *See id.* at col. 3:32-34. But Cathey, as admitted by the Examiner, fails to disclose specifying whether information in a user action item is protected, as required by the claim. ("Cathey does not disclose a method wherein the identifier is a content reference identifier, and wherein it is specified that the action item be protected." *See* Final Office Action at page 4.)

The Examiner pointed to the CineMage reference for the missing subject matter. CineMage discloses, in a section entitled "Content Protection through Content ID," that

> NTT is very interested in the protection of digital content. This is, of course, also an issue for ACT and indeed for anyone selling digital content on the Internet. NTT is part of a group called the Content ID Forum, which is developing what they hope will be a standard for the protection of digital content. The concept is that of a digital code called a Content ID, which would be embedded in each digital file using watermarking or other similar techniques. Because the ID is embedded in the file, it is possible to track the use of the file and prevent unauthorized use.
> ACT currently uses several methods to protect our images. These include embedding a visible watermark into images, attaching a copyright notice to the bottom of images, and delivering the images on the web in such a way that they cannot easily be copied.

See last paragraphs in the CineMage reference. The Examiner explained that "CineMage is brought in to teach the idea of a 'content reference identifier' as well as the protection." *See* Advisory Action at page 2. According to the Examiner, "[t]he 'content reference identifier' is part of the 'user action item,' and with the protection taught by CineMage adds specifying whether the action item is protected." *See id.* at pages 2 and 3. The Examiner concluded that the claims are unpatentable over the combination of Cathey and CineMage. ("The rejection stands." *See id.* at page 3.)

The applicants respectfully disagree.

First, CineMage's Content ID does not specify whether information in a user action item is protected. Instead of protecting information in a user action item, CineMage discloses using a Content ID to protect content related property rights. For example, CineMage discloses preventing unauthorized use of digital content that is sold on the Internet or is subject to copyright protection. *See* last paragraphs in the CineMage reference. The claims and the present specification, however, clearly differentiate the protection of content from specifying whether information in the user action item is protected. Thus, in light of the claim language and the specification, a reasonable interpretation should also differentiate using CineMage's Content ID from specifying whether information in the user action item is protected. ("During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' ... The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." *See* MPEP 2111.)

Indeed, the claim explicitly requires assigning a program identifier to the user action item, wherein the program identifier includes the content reference identifier that identifies the corresponding multimedia content. A dependent claim further specifies that the content reference identifier can be a content reference ID of a Content ID Forum. *See* claim 17. The specification further discloses that such a content reference ID can be used in a program identifier to protect intellectual property rights of the corresponding multimedia content. *See*, e.g., page 21:14 to page 23:23 and FIG. 4. The CineMage reference also teaches using a "Content ID" for protecting property rights of media content, such as copyrights of images.

See last paragraphs in the CineMage reference.

The claim, instead of protecting intellectual property rights of the multimedia content, requires specifying whether information in the user action item is protected. The specification further discloses that, in the user action item, the protection can be specified by data protection flags (such as flags 109 and 117 in FIG. 1) that are separate and distinct from the program identifiers (such as identifiers 108 and 116 in FIG. 1, which can potentially be used for property right management of media content (*see* FIG. 4)). Thus, the claims and the specification clearly differentiate protecting intellectual property rights of media content from specifying whether information in the user action item is protected. In accordance with this difference, CineMage discloses protecting only property rights of media content, but it lacks the claimed step of specifying whether information in the user action item is protected.

Second, the Examiner seems to construe the claim term "content reference identifier" to imply "protection." Indeed, the Examiner seems to suggest that, if the "user action item" includes a Content ID of CineMage, such a combination would satisfy the claimed "content reference identifier" as well as the limitation of "specifying whether information in the user action item is protected." Such a construction, however, would read the explicitly recited limitation of "specifying whether information in the user action item is protected" out of the claim.

The claim explicitly requires assigning a program identifier to the user action item, wherein the program identifier includes a content reference identifier. If, as apparently assumed by the Examiner, the content reference identifier implies the claimed protection, the further claim limitation of "specifying whether information in the user action item is protected" is either redundant or meaningless, because that protection has already been specified by the step of assigning the program identifier. Thus, the Examiner's apparent interpretation reads the "specifying" step out of the claim. (The patentee's claim interpretation argument "would read an express limitation out of the claims. This, we will not do because '[c]ourts can neither broaden nor narrow claims to give the patentee something different than what he has set forth.' " *See* Texas Instruments Inc. v. U.S. Int'l Trade Comm'n, 988 F.2d 1165 (Fed. Cir. 1993).)

Third, there is no motivation to combine and modify Cathey and CineMage to obtain the claimed step of specifying whether information in the user action item is protected. As discussed above, CineMage discloses protecting property rights of media content, but lacks the claimed step of specifying whether information in the user action item is protected. Thus, in addition to combining Cathey and CineMage, the combination should be modified to obtain the claimed subject matter. Cathey and CineMage, however, lack any motivation for such modification.

The Examiner suggested that "it would have been obvious for one of ordinary skill in the art to use the CIDF format for the metadata, as taught by Cinemage, in the system disclosed by Cathey ... [and] to add the watermark, taught by CineMage, to the files disclosed by Cathey ... to enable the tracking of the files, and therefore prevent unauthorized use." *See* Final Office Action at page 4. Although Cathey and CineMage suggest tracking digital content, they lack any motivation to track the event records of Cathey or the information in the claimed user action item.

The Examiner's specific suggestion for adding the watermark of CineMage to the event records of Cathey is not disclosed or suggested by any of the references. Cathey's event records are already used to track usage of the available applications. *See, e.g.,* the Abstract of Cathey. Thus, the Examiner's suggestion would track the usage of files (the event records) that themselves are used for tracking the usage of yet another files (the available applications). Neither CineMage nor Cathey discloses or suggests such a convolved scenario.

In general, in accordance with the claim language and the specification of the present application, a skilled artisan understood at the time of the invention that "content" is different from a "user action item corresponding to consumption of multimedia content." Indeed, even the references differentiate content from other data. CineMage, for example, discloses a "Content ID" that explicitly refers to "content." CineMage also repeatedly refers to the "protection of digital content" and explicitly identifies "images" as examples of such digital content. Cathey also discloses that "the applications offered by interactive television systems include video games, video catalog shopping, teaching and educational programs, movies on

demand and audio programs... [and] ... [s]uch applications are also known as 'contents' or 'titles' and the application vendors are known as 'content' or 'title' providers." *See* Cathey at col. 1:16-25. Cathey further discloses that event records are used for tracking usage activities for such applications. *See id.* at col. 1:38-64. Thus, both Cathey and CineMage disclose tracking the use of content, but contrary to the Examiners suggestion, both Cathey and CineMage lack any suggestion for tracking a user action item that corresponds to consumption of multimedia content.

Furthermore, the Examiner seems to suggest using a "Content ID" with reference to objects that are recognized by skilled artisans as being other than "content." As discussed above, skilled artisans understand that "content" is different from the event records of Cathey or the claimed user action item. Thus, the Examiner's suggestion of using "Content ID" for tracking something other than content would mislead the artisans and create confusion. In addition, CineMage's "Content ID" seems to be inappropriate for tracking a non-content object such as a user action item that corresponds to consumption of multimedia content. As well known in the art, the same content is often represented by different data files, which may be in different formats or at different locations. The basic concept of the "Content ID" is that it identifies the content itself independent of the variations in the data files representing that content. However, neither Cathey nor CineMage discloses such variations for a user action item that corresponds to consumption of multimedia content. Thus, there is no motivation to use the "Content ID" of CineMage for tracking the claimed user action item, as suggested by the Examiner.

In sum, the combination of Cathey and CineMage fails to disclose or suggest specifying whether information in the user action item is protected, as required by the claim. Thus, no *prima facie* case of obviousness has been established and claim 15 should be allowed.

Claims 16-18, 20, 21 and 30-33 depend from claim 15, and are allowable for at least the same reasons. ("If an independent claim is not obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *See* MPEP 2143.03.)

(B) Claim 22

Claim 22 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Cathey in view of the "CineMage" reference. *See* Final Office Action at pages 3-5. The Examiner maintained the rejection in the Advisory action of June 22, 2006.

Claim 22 recites a method for processing user history data. The method includes recording a user action item that has a user action type representing a type of action related to consumption of multimedia content. The method further includes assigning protection information to the recorded user action item. The protection information specifies whether information in the user action item is protected.

To establish *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art. *See, e.g.*, MPEP 2143.03. For the reasons discussed above with reference to claim 15, neither Cathey nor the CineMage reference discloses or suggests protection information specifying whether information in the user action item is protected, as required by the claim. In particular, the "Content ID" of CineMage identifies content, but does not specify whether information in the user action item is protected.

Because the combination of Cathey and CineMage fails to disclose or suggest the claimed protection information specifying whether information in the user action item is protected, no *prima facie* case of obviousness has been established and claim 22 should be allowed.

Claims 23 and 24 depend from claim 22, and are allowable for at least the same reasons. ("If an independent claim is not obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *See* MPEP 2143.03.)

VIII. CLAIMS APPENDIX

CLAIMS

The following is a detailed listing of all claims that are, or were, in the Application.

1-14. (Canceled)

15. (Previously presented) A method for processing user history data, the method comprising:

recording a user action item corresponding to consumption of multimedia content having a content reference identifier;

assigning a program identifier and a user action type to the user action item, the program identifier including the content reference identifier for identifying the corresponding multimedia content; and

specifying whether information in the user action item is protected.

16. (Previously presented) The method for processing user history data as claimed in claim 15, wherein the content reference identifier is independent of a storage location of the corresponding multimedia content.

17. (Previously presented) The method for processing user history data as claimed in claim 16, wherein the content reference identifier is a content reference ID (CRID) of a Content ID Forum (CIDF).

18. (Previously presented) The method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption type indicating how the user consumed the multimedia content.

19. (Previously presented) The method for processing user history data as

claimed in claim 18, wherein the consumption type indicates a recording or a simple view of the corresponding multimedia content.

20. (Previously presented) The method for processing user history data as claimed in claim 15, wherein the user action type represents a consumption behavior for the corresponding multimedia content.

21. (Previously presented) The method for processing user history data as claimed in claim 20, wherein the consumption behavior indicates a selection from an action type group including operations of normal play, skip, replay, and slow play.

22. (Previously presented) A method for processing user history data, the method comprising:

recording a user action item having user action type representing a type of action related to consumption of multimedia content; and

assigning protection information to the recorded user action item, the protection information specifying whether information in the user action item is protected.

23. (Previously presented) The method for processing user history data according to claim 22, wherein the user action item includes a program identifier for representing the related multimedia content, and the user action type indicates a simple view or recording of the related multimedia content.

24. (Previously presented) The method for processing user history data according to claim 22, wherein the user action item includes a program identifier for representing the related multimedia content, and the user action type indicates a selection from an action type group including operations of normal play, skip, replay, and slow play.

25-29. (Canceled)

30. (Previously presented) The method of claim 15, further comprising:
storing the user action item in a user action history.

31. (Previously presented) The method of claim 30, wherein storing the user action item in the user action history includes storing the user action item in a portable medium.

32. (Previously presented) The method of claim 30, wherein specifying whether information in the user action item is protected includes specifying whether all information in the user action history is protected.

33. (Previously presented) The method of claim 30, wherein the user action history includes a hierarchical data structure.

CONCLUSION

In view of the arguments in the present Appeal Brief, applicants respectfully submit that no *prima facie* case of obviousness has been established. Accordingly, applicants respectfully request the Board of Patent Appeals and Interferences to reverse the Examiner's rejections of the pending claims in the present application.

The Commissioner is hereby authorized to charge a $500.00 fee for the filing of this Appeal Brief to Deposit Account No. 50-1597. This paper is being submitted in duplicate to facilitate Deposit Account payment. No other fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-1597.

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